

# 85-164-SPH **PETITION FOR SPECIAL HEARING** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof hereby petition for a Special Hearing under Section 606.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve this Petition to amend Case No. 65-122X to

allow seven (7) boarders at the premises known as 27 Eustice Avenue, Catonsville, Md. 21228

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_ Legal Owner(s): \_\_\_\_\_  
(Type or Print Name) (Type or Print Name)  
Signature \_\_\_\_\_ Signature \_\_\_\_\_  
Address \_\_\_\_\_ (Type or Print Name)  
City and State \_\_\_\_\_ Signature \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
Howard L. Muhl, Jr.  
(Type or Print Name) MUHL & DIXON, P.A.  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
Catonsville, Md. 21228  
City and State \_\_\_\_\_  
Attorney's Telephone No.: 747-2800

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 1984, at 11:15 o'clock \_\_\_\_\_ A.M.

*Carl Jahn*  
Zoning Commissioner of Baltimore County.

XCO-No.1 (over)

## **BALTIMORE COUNTY** **ZONING PLANS** **ADVISORY COMMITTEE**



## **PETITION AND SITE PLAN** **EVALUATION COMMENTS**

## **BALTIMORE COUNTY, MARYLAND** **INTER-OFFICE CORRESPONDENCE**

Arnold Jablon  
TO: Zoning Commissioner Date: November 23, 1984

Norman E. Gerber, Director  
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 85-152-SpH and 85-164-SpH

In view of the subject of these petitions, this office offers no comment.

*Norman E. Gerber*  
Norman E. Gerber  
Director

NEG:JGH:bjs

## **BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE** November 29, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Howard L. Muhl, Jr., Esquire  
908 Frederick Road  
Catonsville, Maryland 21228

RE: Item No. 89, Case No. 85-164-SPH  
Scott T. Hilleary - Petitioner  
Special Hearing Petition

Dear Mr. Muhl:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In accordance with my telephone conversation with your partner, this petition was scheduled with the understanding that a revised plan, incorporating the enclosed comments, would be submitted. I have received the revised plan. However, as of this writing, I have not received any subsequent comments from the Department of Traffic Engineering. In view of this, I suggest you contact Mr. Mike Flanagan at 494-3554 discuss his comment and produce the results of said discussion at the scheduled hearing.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NEG:eoh

Enclosures

cc: Maryland Surveying and Engineering Co., Inc.  
6707 Whitestone Road  
Baltimore, Maryland 21207

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

November 16, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item 89 (1984-1985)  
Property Owner: Scott T. Hilleary  
S/E corner Rusting and Egges Lane  
Acres: 0.414  
District: 1st

Dear Mr. Jablon:

The following comments are furnished in regard to the subject zoning item.

General Comments:

Since there are no public facilities involved, this office has no comment.

Very truly yours,

*James A. Markle*  
JAMES A. MARKLE, P.E., Chief  
Bureau of Public Services

JAM:EAM:PMO:as

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
494-3211  
NORMAN E. GERBER  
DIRECTOR

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

10/9/84  
Re: Zoning Advisory Meeting of 10/9/84  
Item # 89  
Property Owner: Scott T. Hilleary  
Location: S/E corner Rusting and Egges Lane

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ( ) There are no site planning factors requiring comment.
- ( ) A County Review Group Meeting is required.
- ( ) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ( ) A record plat will be required and must be recorded prior to issuance of a building permit.
- ( ) The access is not satisfactory.
- ( ) The circulation on this site is not satisfactory.
- ( ) The parking arrangement is not satisfactory.
- ( ) Parking calculations must be shown on the plan.
- ( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-90 of the Development Regulations.
- ( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ( ) The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- ( ) Landscaping should be provided on this site and shown on the plan.
- ( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- ( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional comments:  
*Plan should show the dwelling.*

*Eugene A. Bober*  
Eugene A. Bober  
Chief, Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

October 19, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 89 -ZAC- Meeting of October 9, 1984  
Property Owner: Scott T. Hilleary  
Location: SE/Cor. Rusting and Egges Lane  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Special Hearing to amend Case No. 65-122 X to allow 7 boarders.

Acres: 0.414  
District: 1st

Dear Mr. Jablon:

No plan for this site has been received by this Department, but we are interested in the parking arrangements.

*Richard S. Flanagan*  
Richard S. Flanagan  
Traffic Engineering Assoc. II

MSF/ocm

85-164-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 1st day of November, 1984.

ARNOLD JABLON  
Zoning Commissioner

Petitioner: Scott T. Hilleary  
Petitioner: \_\_\_\_\_  
Attorney: Howard L. Muhl, Jr., Esq.

Received by: \_\_\_\_\_  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

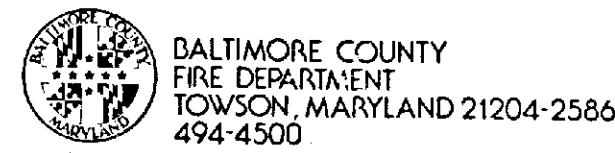


Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that: to amend the site plan filed in Case No. 65-122-X to allow seven (7) boarders could be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not be detrimental to the health, safety, and general welfare of the community and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 17<sup>th</sup> day of December, 1984, that the amendment to the site plan filed in Case No. 65-122-X to allow seven (7) boarders, is approved, and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order.

*Jean M.H. Jung*  
Deputy Zoning Commissioner  
Baltimore County

ORDER RECEIVED FOR H-140  
DATE December 17, 1984  
BY Mary Campbell  
Deputy Zoning Commissioner



PAUL H. REINCKE  
CHIEF

October 26, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Scott T. Hilleary

Location: SE/Cor. Fusting and Egges Lane

Item No.: 89

Zoning Agenda: Meeting of 10/9/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

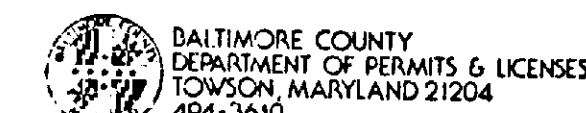
( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: *George M. Kaganoff*  
Noted and Approved: \_\_\_\_\_  
Planning Group: \_\_\_\_\_  
Special Inspection Division: \_\_\_\_\_

/mb



TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 89 Zoning Advisory Committee Meeting are as follows:

Property Owner: Scott T. Hilleary  
Location: SE/Cor. Fusting and Egges Lane  
Existing Zoning: D.R. 5-5  
Proposed Zoning: Special Hearing to amend Case No. 65-122 X to allow 7 boarders.

Address: 0.111  
District: 1st.

NO PLANS

The items checked below are applicable:

(X) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Age; and other applicable Codes.

B. A building/\_\_\_\_\_ permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 101, line 2, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section/\_\_\_\_\_

(X) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

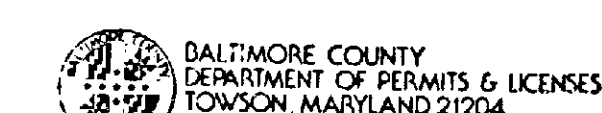
(X) Comments - 7 Boarders would require a structure to be classified possibly as a multifamily R-2 Use Group which has more stringent requirements in certain areas than does a one and two family R-3 or R-4 classification. An R-3 allows up to 5 boarders. See Section 308.0 thru 308.6 and Table 308.6.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

*Charles E. Burnham*  
Charles E. Burnham, Chief  
Plans Review

CEB:ee



TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 89 / Zoning Advisory Committee Meeting are as follows:

Property Owner: Scott T. Hilleary  
Location: SE/Cor. Fusting and Egges Lane  
Existing Zoning: D.R. 5-5  
Proposed Zoning: Special Hearing to amend Case No. 65-122 X to allow 7 boarders.

Address: 0.111  
District: 1st.

The items checked below are applicable:

(X) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Age; and other applicable Codes.

B. A building/\_\_\_\_\_ permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

(X) E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 101, line 2, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section/\_\_\_\_\_

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

I. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

*Charles E. Burnham*  
Charles E. Burnham, Chief  
Plans Review

CEB:ee

September 14, 1984

To Whom It May Concern:

I, Kathleen Hickman, have been the resident housekeeper at 27 Fusting Avenue, Catonsville, Maryland since April, 1965.

There have always been seven (7) or eight (8) residents living at the above address.

Signed: *Kathleen Hickman*

Date: 9/17/84

State of Maryland ss. On this the 14<sup>th</sup> day of September, 1984, before me, the undersigned Notary Public, personally appeared Kathleen Hickman known to me to be the person(s) whose name(s) she subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained. IN WITNESS WHEREOF, I hereunto set my hand and official seal.

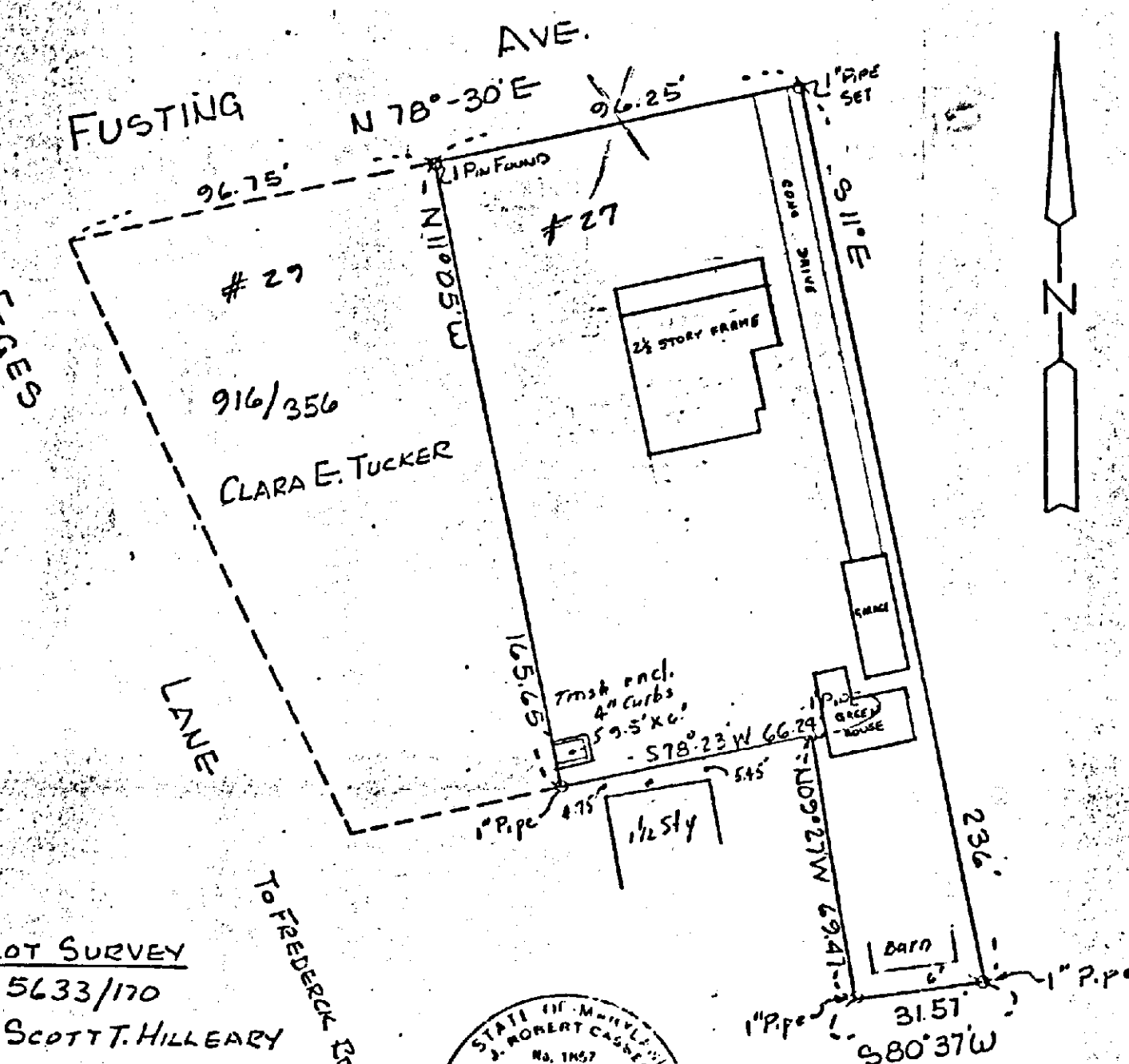
*Dean J. Hillier*  
Notary Public - State of Maryland

GENERAL ACKNOWLEDGMENT FORM 7-18-04 NATIONAL NOTARY ASSOCIATION • 20015 Venice Blvd. • Woodland Hills, CA 91367

### MARYLAND SURVEYING AND ENGINEERING CO., INC.

Affiliated With LYON ASSOCIATES, INC.

6707 WHITESTONE ROAD BALTIMORE, MARYLAND 21207 TELEPHONE: 301-944-9291  
ENGINEERING SURVEYING PLANNING



LOT SURVEY  
5633/170  
SCOTT T. HILLEARY  
BALTO. CO., MD.

PETITIONER'S  
EXHIBIT

SCALE 40 ft. = 1 inch

File No. 8424-001



Signed This 7<sup>th</sup> day of June, 1984  
*Robert Cassell*

August 6, 1984

To Whom This May Concern:

When I had 27 Fusting Avenue zoned for a care home - I also lived there.

When Social Services kept sending nursing care patients there, I charged to Room & Board for Senior Citizens.

Later I moved next door and made room for three more boarders.

When I sold to Scott Hilleary in May 1976 there were eight senior citizens living there with room and board.

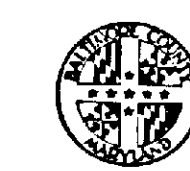
Respectfully,

*Artus Blackwell*  
Artus Blackwell  
1040 Bricker Drive, Unit 201  
Hagerstown, MD 21740

(Notary)

Connie M. Bain

My Commission Expires July 1, 1986



ARNOLD JABLON  
ZONING COMMISSIONER

December 17, 1984

JEAN M.H. JUNG  
DEPUTY ZONING COMMISSIONER

Mr. Howard L. Muhl, Jr.  
908 Frederick Road  
Catonsville, Maryland 21228

RE: Petition for Special Hearing  
S/O of Fusting Ave., 56.75' NE of Egges Lane (27 Fusting Ave.) - 1st Election District  
Scott T. Hilleary - Petitioner  
No. 85-164-SPH (Item No. 89)

Dear Mr. Muhl:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

*Jean M.H. Jung*  
JEAN M.H. JUNG  
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: People's Counsel

JUL 31 1985



PETITION FOR SPECIAL HEARING  
1st Election District  
LOCATION: South side of Fusting Avenue, 96.75' NE of Eges Lane (27 Fusting Ave.), 1st District  
DATE AND TIME: Tuesday, November 22, 1984 at 11:15 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner should approve the petition to amend Case No. 85-164-SPH to allow seven (7) boarders at the premises known as 27 Fusting Avenue, Catonsville, MD. 21228.  
Being the property of Scott T. Hilleary as shown on the plat filed with the Zoning Commission.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the hearing set above or made at the hearing.  
BY ORDER OF:  
ARNOLD JABLON  
Zoning Commissioner of Baltimore County

# CERTIFICATE OF PUBLICATION

TOWSON, MD., November 22, 1984  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 22, 1984.

THE JEFFERSONIAN,

*B. Ventrola*  
Publisher

Cost of Advertising 24.00

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: 11-16-84  
Posted for: Special Hearing  
Petitioner: Scott T. Hilleary  
Location of property: S/S Fusting Ave., 96.75' NE of Eges Lane  
Location of Signs: 1/2 Post of #27 Fusting Ave. approx 150' NE of Eges Lane  
Remarks:  
Posted by: *[Signature]* Date of return: 11-21-84  
Number of Signs: 1

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
S/S of Fusting Ave., 96.75' NE of Eges Lane (27 Fusting Ave.), : OF BALTIMORE COUNTY  
1st District  
SCOTT T. HILLEARY, Petitioner : Case No. 85-164-SPH

### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 20th day of November, 1984, a copy of the foregoing Entry of Appearance was mailed to Howard J. Muhl, Jr., Esquire, Muhl & Dixon, P. A., 908 Frederick Rd., Baltimore, MD 21228, Petitioner's Attorney.

*Peter Max Zimmerman*  
Peter Max Zimmerman

Howard Muhl, Esquire  
908 Frederick Road  
Catonsville, Maryland 21228

### NOTICE OF HEARING RE: Petition for Special Hearing S/S of Fusting Ave., 96.75' NE of Eges Lane (27 Fusting Ave.) Scott T. Hilleary - Petitioner Case No. 85-164-SPH

TIME: 11:15 A.M.  
DATE: Tuesday, December 11, 1984  
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 134301

DATE: 12-28-84 ACCOUNT: R-01-615-070

RECEIVED FROM: *[Signature]*  
FOR: *[Signature]*  
AMOUNT: 100.00  
C 123\*\*\*\*\*100501a 5014F

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL HEARING  
1st Election District  
LOCATION: South side of Fusting Avenue, 96.75 feet Northeast of Eges Lane (27 Fusting Avenue)  
DATE AND TIME: Tuesday, December 11, 1984 at 11:15 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner should approve the petition to amend Case No. 85-122-X to allow seven (7) boarders at the premises known as 27 Fusting Avenue, Catonsville, MD. 21228.  
Being the property of Scott T. Hilleary as shown on the plat filed with the Zoning Commission.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the hearing set above or made at the hearing.  
BY ORDER OF:  
ARNOLD JABLON  
Zoning Commissioner of Baltimore County

## Office of PATUXENT Publishing Corp.

10750 Little Patuxent Pkwy.  
Columbia, MD 21044

November 28 19 84

THIS IS TO CERTIFY, that the annexed advertisement of

SPECIAL HEARING  
60587  
60857

was inserted in the following:

☒ Catonsville Times  
☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 24 day of November 1984 that is to say, the same was inserted in the issues of

November 22, 1984

PATUXENT PUBLISHING CORP.  
By \_\_\_\_\_



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

December 4, 1984

Howard Muhl, Esquire  
908 Frederick Road  
Catonsville, Maryland 21228

RE: Petition for Special Hearing  
S/S Fusting Ave., 96.75' NE of Eges Lane (27 Fusting Avenue)  
Scott T. Hilleary - Petitioner  
Case No. 85-164-SPH

Dear Mr. Muhl:

This is to advise you that \$47.60 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 003124

DATE: 12-11-84 ACCOUNT: R-01-615-070

RECEIVED FROM: *[Signature]*  
FOR: *[Signature]*  
AMOUNT: \$47.60  
C 123\*\*\*\*\*100501a 5014F

VALIDATION OR SIGNATURE OF CASHIER

### PETITION FOR SPECIAL HEARING

1st Election District

LOCATION: South side of Fusting Avenue, 96.75 feet Northeast of Eges Lane (27 Fusting Avenue)

DATE AND TIME: Tuesday, December 11, 1984 at 11:15 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve this petition to amend Case No. 85-122-X to allow seven (7) boarders at the premises known as 27 Fusting Avenue, Catonsville, MD. 21228.

Being the property of Scott T. Hilleary as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

August 6, 1984

To Whom This May Concern:

When I had 27 Fusting Avenue zoned for a care home - I also lived there.

When Social Services kept sending nursing care patients there, I changed to Room & Board for Senior Citizens.

Later I moved next door and made room for three more boarders.

When I sold to Scott Hilleary in May 1976 there were eight senior citizens living there with room and board.

Respectfully,  
*Arbutus Blackwell*  
Arbutus Blackwell  
1040 Brinker Drive, Unit 201  
Hagerstown, MD 21740

(Notary)  
Connie M. Bain  
My Commission Expires July 1, 1986

PETITIONER'S  
EXHIBIT 3



September 13, 1984

To Whom This May Concern:

My wife and I were very good friends and next door neighbors with Arbutus Blackwell who kept a room and board home for Senior citizens known as The Blackwell Home.

Mrs. Cavey ( my wife ) is a member of the Catonsville Soroptimist Club and the Club each year give a Christmas party for the eight or more boarders including Miss Hickman who manages the home.

In 1976, about the month of May, Mrs. Blackwell sold the Blackwell Home to Mr. Scott Hillary who has continued to operate the home for the same purpose as such.

Since 1941 we have been blessed to have a next door neighbor who if called upon would be there to help us.

Truly,

*George Cavey*  
George Cavey

*Helen Cavey*  
Helen Cavey  
23 Fusting Avenue  
Catonsville, MD. 21228

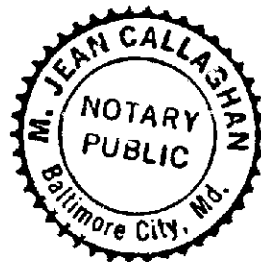
PETITIONER'S  
EXHIBIT 4

Notary

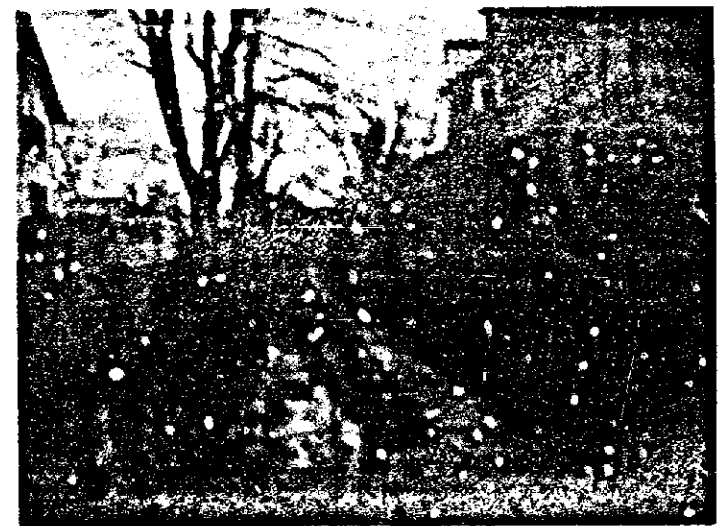
*My Licence Terminates July 1, 1986*

*M. Jean Callaghan*

*Sept. 14, 1984*



PE 7



PE 7

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon, and

WHEREAS, boarding houses and rooming houses are permitted by Special Exception in residential zones of the County; and

WHEREAS, the existence of boarding houses and rooming houses in residential zones may have an impact on adjacent residential properties due to the increased number of residents and automobiles and other factors which may adversely affect adjacent properties; and

WHEREAS, it is the intention of the Baltimore County Council that the hearing authority, in granting a special exception or renewal for a boarding house or rooming house, shall consider the existence of any activity or factor which may adversely affect properties adjacent to the proposed use so as to constitute a nuisance, now, therefore,

SECTION 1. *Be it enacted by the County Council of Baltimore County, Maryland*, that the definitions of "Boarding House" and "Rooming House" contained in Section 101 of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments to read as follows:

Section 101 — DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these Regulations, certain terms and words are defined as follows:

**Boarding House:** A building [other than a hotel in which meals or rooms and meals are provided for compensation for four or more persons, including a "care home", as defined by the Maryland State Health Department] WHICH IS THE PRIMARY RESIDENCE OF THE OWNER AND IN WHICH ROOMS AND MEALS ARE PROVIDED BY THE OWNER, FOR COMPENSATION, TO THREE OR MORE ADULT PERSONS NOT RELATED BY BLOOD, MARRIAGE OR ADOPTION TO THE OWNER. THE TERM DOES NOT INCLUDE A HOTEL, OR A FACILITY FOR FOSTER CARE (AS DEFINED IN ARTICLE 68 A, SECTION 114 OF THE ANNOTATED CODE OF MARYLAND AND COMAR 07.02.17). THE TERM DOES INCLUDE A CARE HOME (AS DEFINED IN ARTICLE 43, SECTION 556 OF THE ANNOTATED CODE OF MARYLAND).

**Rooming House:** A building [other than a hotel or motel, where more than two rooms are rented]:

(A) WHICH IS THE PRIMARY RESIDENCE OF THE OWNER AND IN WHICH ROOMS ARE PROVIDED, FOR COMPENSATION, TO THREE OR MORE ADULT PERSONS NOT RELATED BY BLOOD, MARRIAGE OR ADOPTION TO THE OWNER; OR (B) WHICH IS NOT THE OWNER'S RESIDENCE AND WHICH IS OCCUPIED IN ITS ENTIRETY BY THREE OR MORE ADULT PERSONS NOT RELATED BY BLOOD, MARRIAGE OR ADOPTION TO EACH OTHER. THE TERM DOES NOT INCLUDE A HOTEL, MOTEL OR APARTMENT BUILDING.

SECTION 2. *And be it further enacted*, that Section 502.5 of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

Section 502 — Special Exceptions

502.5 In addition to consideration of the requirements imposed generally on the issuance of special exceptions by Section 502.1 of these regulations, the following special requirements, regulations and limitations shall apply to and be effective with regard to special exception which may be issued under these regulations, viz:

1. Any special exception or renewal thereof granted for a community care center under the authority of these regulations shall be for the limited duration of five years and shall thereafter be of no further force and effect, unless, no later than three months prior to the expiration of such special exception application is filed for renewal.

2. ANY SPECIAL EXCEPTION OR RENEWAL THEREOF GRANTED FOR A BOARDING HOUSE OR ROOMING HOUSE UNDER THE AUTHORITY OF THESE REGULATIONS SHALL BE FOR THE LIMITED DURATION OF THREE YEARS AND SHALL THEREAFTER BE OF NO FURTHER FORCE AND EFFECT, UNLESS, NO LATER THAN THREE MONTHS PRIOR TO THE EXPIRATION OF SUCH SPECIAL EXCEPTION, APPLICATION IS FILED FOR RENEWAL AS A CONDITION TO UTILIZATION OF SAID SPECIAL EXCEPTION, OR RENEWAL THEREOF, THE PETITIONER SHALL MAKE, KEEP, AND PRESERVE ACCURATE OCCUPANCY RECORDS AND INFORMATION, INCLUDING THE NAMES, SOCIAL

1252  
85-1281  
1-7-85



# Baltimore County, Maryland

PEOPLE'S COUNSEL  
RM. 223, COURT HOUSE  
TOWSON, MARYLAND 21204  
494-2188

PHYLLIS COLE FRIEDMAN  
People's Counsel

December 19, 1984

Howard L. Muhl, Jr., Esquire  
908 Frederick Road  
Catonsville, MD 21228

RE: Scott T. Hilleary, Petitioner  
Case No. 85-164-SPH

Dear Mr. Muhl:

Please be advised that this office does not intend to appeal the decision of the Deputy Zoning Commissioner in the above case. You should note, however, that pursuant to Bill 44-82 (copy enclosed), special exceptions for boarding houses and rooming houses are required to renew their approvals every three years and are subject to conditions specified in the legislation.

If you have any further questions, please do not hesitate to contact this office or the Office of the Zoning Supervisor at 494-3390.

Very truly yours,

Peter Max Zimmerman  
Deputy People's Counsel

Enclosure

cc: Jean M. H. Jung  
Deputy Zoning Commissioner

James E. Dyer  
Zoning Supervisor

PMZ:sh

JED Recd. 12/21/84

Case File

PETER MAX ZIMMERMAN  
Deputy People's Counsel

(Page 4 — Bill No. 44-82)

SECURITY NUMBERS, AND DATES OF OCCUPANCY OF ROOMERS AND BOARDERS, AND SHALL MAKE SUCH RECORDS AND INFORMATION AVAILABLE TO THE FIRE DEPARTMENT, POLICE DEPARTMENT AND OTHER APPROPRIATE GOVERNMENTAL AGENCIES.

[2] 3. Applications for renewal shall be heard by the Zoning Commissioner as in the case of an original petition except that additional testimony and competent evidence shall be presented pertaining to applicant's standard of performance of the requirements imposed in the original order or any renewal order. Such renewal order, if granted, may impose new or amended conditions as may be appropriate.

SECTION 3. And be it further enacted, that boarding houses and rooming houses existing in violation of the provisions of this Act shall cease and be terminated on or before October 1, 1983, unless, no later than six months prior to October 1, 1983, an application is filed for a special exception.

SECTION 4. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 19th day of April, 1982.

By Order

Thomas Toporovich, Secretary

PRESENTED to the County Executive for his approval this 21st day of April, 1982.

Thomas Toporovich, Secretary

APPROVED AND ENACTED: 4/30/82

Donald P. Hutchinson,  
County Executive

I HEREBY CERTIFY THAT BILL NO. 44-82 IS TRUE AND CORRECT AND TOOK EFFECT ON JUNE 14, 1982.

James T. Smith, Jr.,  
Chairman, County Council

EXPLANATION: Italics indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
CAPITALS indicate amendments to bill.  
Strike-out indicates matter stricken out of bill.

## County Council of Baltimore County Maryland

Legislative Session 1982, Legislative Day No. 7

BILL NO. 44-82

Ms. Barbara F. Bachur, Councilwoman

By the County Council, March 15, 1982

A BILL  
ENTITLED

AN ACT concerning

Boarding Houses and Rooming Houses

FOR the purpose of

amending the definitions of "Boarding House" and "Rooming House" in the Baltimore County Zoning Regulations; providing for the limited duration of a special exception or renewal for a boarding house or rooming house; requiring certain persons to maintain certain records; and providing that boarding houses or rooming houses existing in violation of this Act shall be terminated on or before a certain date, unless an application is filed for a special exception prior to such date.

BY repealing and re-enacting, with amendments,

Section 101  
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 502.5  
Baltimore County Zoning Regulations, as amended.